

FILED

VIRGINIA:

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

COMMONWEALTH OF VIRGINIA )  
                                  )  
vs.                           )  
                                  )  
PATRICK O. LOCKHART       )  
Defendant                   )

Case No: 1:22CV-01047

NOTICE OF REMOVAL

PATRICK LOCKHART, Defendant, pursuant to 28 U.S.C. 1443(1) & (2), hereby removes Fairfax Circuit Court criminal case MI-2021-284 to the United States District Court for the Eastern District of Virginia, Alexandria Division. In support, Mr Lockhart states as follows:

GROUND FOR REMOVAL

- 1) Mr Lockhart, a Black member of a Protected Class, has been deprived of his federal equal civil right to present favorable material evidence at a new trial due to a Brady violation and extrinsic fraud. See 42 USC 1981.
- 2) Mr Lockhart has been denied and is unable to enforce his "full and equal benefit" to obtain a bill of particulars and set a pretrial constitutional hearings to dismiss the unconstitutional summons and suppress Police evidence due to illegal search and suppress related unconstitutional custody court orders (VA Code § 19.2-266.2) "as is enjoyed by white citizens" in similar criminal proceedings.
- 3) Mr Lockhart has been denied and is unable to enforce his "full and equal benefit" to obtain discovery and exculpatory/impeachment evidence (VA Code § 19.2-265.4(A) "as is enjoyed by white citizens" in similar criminal proceedings.
- 4) This case is 1 of 4 criminal cases initiated in retaliation for Mr Lockhart suing Judge Theodore Markow on 6/4/19. See 1:22-cv-00808 which removed 2 of the criminal cases. The 4th case was dismissed for double jeopardy - a key indicator of prosecution misconduct.
- 5) On 6/5/19 Judge Markow held an ex parte contempt hearing and punished Mr Lockhart by ordering him to have no contact with his children. There is no legal justification for such an order and this is a violation of Mr Lockhart's right "like punishment... and to no other." The Order is also void ab initio as the Court had no Personal Jurisdiction over Mr Lockhart.
- 6) When Mr Lockhart refused to comply with the order because it would be inconsistent with his federal equal protection rights, Mr Lockhart believes Karen Lockhart went to a prosecutor to initiate criminal charges against Mr Lockhart and the Prosecutor Bennett Brasfield declined prosecution likely because he recognized the 6/5/19 Order violated Mr Lockhart's federal equal civil right and his right to be free from

retaliation when engaged in federally protected activities. This should have been the end of the criminal prosecution because of the pending related civil case. But the issued the summons on 6/13/19 for mr Lockhart magistrate failed to

7) In order to obtain evidence to testify in this case the Police engaged continuing violations of Mr Lockhart's federal equal protections rights. After Mr Locakhr refused to exit his home because of an unlawful warrant, Police retaliated and charged Mr Lockhart with two more crimes. They then initiated a false Missing & endangered child investigation in order to create a false sense of emergency. So they could obtain search warrant to make deadly threats, intimidate oppress and traumatize to Mr Lockhart his 11 yr old son and other family members.

5) Mr Lockhart has been denied and cannot enforce his "full and equal benefit" of a speedy trial (Virginia Code § 19.2-243) as is enjoyed by white citizens.

9) Mr Lockhart has been denied and cannot enforce the full and equal benefits of an impartial Judge and impartial prosecutor "as is enjoyed by white citizens in criminal Proceedings.

10 All the court's judges were disqualified in this case, and the designated judge, Thomas Horne, refused to execute his ministerial duty to and ordering the prosecutor to produce a bill of particulars (Virginia Code §19.2-266.2(C)).

11) When Mr Lockhart subpoenaed witnesses, without notice or opportunity to be heard, the court secretly entered an order stopping the execution of subpoenas.

12) A copy of this Notice of Removal without the attachments will be filed in Fairfax Circuit Court after this case is filed in this Court.

13) An electronic copy of most of the process, pleadings, and orders filed in the Fairfax Circuit Court is attached.

#### MOTIONS

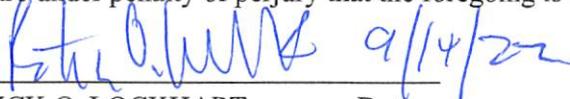
14) Mr Lockhart requests the CD containing the trial court record be filed and sealed because it contains confidential info about his minor children.

15) Since Federal Officers are aware of this matter as Mr Locakhr has been assisting them in their duties of collecting evidence of his civil rights violations, Mr Lockhart requests this court invite them to submit an amicus brief.

#### CERTIFICATION

No assistance from any licensed attorney was provided in writing this paper.

I declare under penalty of perjury that the foregoing is true and correct.



PATRICK O. LOCKHART

Date

PO Box 446 Fairfax, Virginia 22038 Lockhart@Lockhart.biz 703-652-0893

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
\_\_\_\_\_  
ALX DIVISION

Commonwealth of VA

Plaintiff(s),

v.

Patrick O'Clockhant

Civil Action Number: 1:22 CV-01047

Defendant(s).

**LOCAL RULE 83.1(M) CERTIFICATION**

I declare under penalty of perjury that:

No attorney has prepared, or assisted in the preparation of

Motion to Seal & File CD

(Title of Document)

Patrick O'Clockhant

Name of *Pro Se* Party (Print or Type)

Patrick O'Clockhant

Signature of *Pro Se* Party

Executed on: 9/14/22 (Date)

OR

The following attorney(s) prepared or assisted me in preparation of \_\_\_\_\_.

(Title of Document)

(Name of Attorney)

(Address of Attorney)

(Telephone Number of Attorney)

Prepared, or assisted in the preparation of, this document

(Name of *Pro Se* Party (Print or Type)

Signature of *Pro Se* Party

Executed on: \_\_\_\_\_ (Date)

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